

SERVICE DATE
May 26, 2022

PSC REF#:438977

Public Service Commission of Wisconsin
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PUBLIC SERVICE COMMISSION OF WISCONSIN

Project Year 2022 State Energy Program Formula Grant Awarded by the
US Department of Energy

9705-FG-2022

FINAL DECISION

This is the Final Decision approving the Project Year 2022 State Energy Program Annual Plan to be implemented by the Public Service Commission of Wisconsin's (Commission) Office of Energy Innovation (OEI) and directing Commission staff to submit the necessary filings to the United States Department of Energy (U.S. DOE).

Introduction

The OEI administers and implements innovative and effective energy planning, policy, and programming to benefit Wisconsin's citizens and businesses. As Wisconsin's designated state energy office, the OEI receives funding from the U.S. DOE State Energy Program (SEP), primarily in a formula grant, to fund the state energy office including an Annual Plan for programming that reflects Wisconsin's unique resources and energy goals, as well as delivery capacity.

Commission staff presented the Commission with the necessary background information on the Annual Plan process including applicable statutes, administrative code, and federal guidance; the timeline, components, and submittal of the required filings to U.S. DOE; as well as budget development. ([PSC REF#: 436221.](#)) Commission staff identified a number of potential activities and organized them by priority areas: I. Rural and Agriculture; II. Data Collection, Analysis, and Modernization; III. Energy Assurance; IV. Sector Support and Stakeholder Engagement; V. Other Programs.

The Commission considered at its open meeting of April 28, 2022 the proposed Annual Plan activities as they related to the parameters described above, the core duties of the OEI, emergent energy issues, and the capacity of the office given current resources.

Findings of Fact

1. It is reasonable for the Commission to review and decide upon the substance of the Annual Plan.
2. It is reasonable for the Annual Plan to meet the state-specified duties of the OEI as outlined in Wis. Stat. § 196.025(7), which provides that the office must execute data collection and analysis, grant administration, and energy shortage contingency planning, and further authorizes broader technical assistance.
3. It is reasonable that the Annual Plan is compliant with Title 10 part 420 of the Code of Federal Regulations¹ that governs the purpose and scope², prohibitions, and procedures related to the administration of SEP formula grant funds and the goals established by the U.S. DOE for state energy offices.
4. It is reasonable to establish an Annual Plan that also addresses emergent energy issues and is suited to the available resources and capacity of the OEI.

¹ <https://www.ecfr.gov/cgi-bin/text-idx?SID=40f0a4aecc1609f1668586a3a3e2e45f&mc=true&node=pt10.3.420&rgn=div5>

² 10 CFR § 420.1 provides, “It is the purpose of this part to promote the conservation of energy, to reduce the rate of growth of energy demand, and to reduce dependence on imported oil through the development and implementation of a comprehensive State Energy Program and the provision of Federal financial and technical assistance to States in support of such program.”

Conclusions of Law

1. The Commission has jurisdiction under 2015 Wisconsin Act 55 and Wis. Stat. §§ 196.02 and 196.025 to oversee the State Energy Program Annual Plan and to set and revise annual program activities, goals, priorities, and budgets.
2. The Commission may impose any term, condition, or requirement necessary to protect the public interest pursuant to Wis. Stat. §§ 196.02 and 196.395.
3. Issuance of this Final Decision is a Type III action under Wis. Admin. Code § PSC 4.10(3) and requires neither an environmental impact statement (EIS) nor an environmental assessment (EA).

Opinion

The evaluation of the proposed content of the Annual Plan is an area in which the Commission has special expertise. The Commission has overseen the OEI since 2015, including activities of both its SEP team and the Focus on Energy team (Focus), which has been overseen by the Commission since 2007 under a different organizational structure. During that time, the Commission has continually monitored and adjusted the SEP Annual Plan activities, goals, priorities, and measurable targets in coordination with staff. The Delegated Commissioner is acting on behalf of the Commission.

Commission approves the following Annual Plan activities organized in five priority areas and allocated the appropriate PY22 funds for each. Individual projects continuing from prior annual plans that do not require additional dollars, or projects that do not require a funding allocation as they are supported by staff time, are marked as “Staff Time”.

I. Rural and Agriculture

Rural and Agricultural Incentives – \$150,000

This is an ongoing effort approved in both the PY20 and PY21 Annual Plans. ([PSC REF#: 392202](#), [PSC REF#: 413323](#).) This program delivers incentives to rural and agricultural customers in contact with Focus. The partnership was designed to leverage Focus’ presence in the market to reach rural and agricultural customers with energy efficiency and renewable energy technologies that Focus does not fund, like propane technologies. The program began as the Rural and Agricultural Propane Incentives Program³, approved by the Commission in its Final Decision in the Focus Quadrennial Planning Process III, dated August 28, 2018. ([PSC REF#: 349339](#).) In PY21, the Rural and Agricultural Severe Weather Response incentives were added to assist customers in responding to severe weather events with a “build back better” approach. This item continues to serve customers with these options, and broadens the customer options with additional flexibility to respond to market needs as identified by the Focus Program Administrator (APTIM) using metrics on participation, cost effectiveness, and energy security. The program continues to be managed in a way that adapts to actual customer needs, making the best use of funds to meet demand and to achieve the goals of this initiative.

The Commission finds this project meets the program goals of the state energy office, while leveraging the reach of Focus and being efficient to administer. Rural and agricultural customers benefit from comprehensive options while interacting with only one entity. APTIM has noted that as Focus continually strives for equitable delivery of programs to the rural community, additional technologies provide another point of introduction for increasing

³ <https://www.focusonenergy.com/propane>

participation. Focus customer feedback has indicated the desire for continuity of programming, which also leads to better public awareness as opposed to a one-time offering. Commission staff further notes the benefit of reaching farms and agribusinesses on an individual scale and with an immediacy that can be difficult otherwise.

Wisconsin's Inclusive Solar Community Offering (WISCO) – Staff time

This is an ongoing project that was initiated in the PY21 Annual Plan and requires additional staff time for implementation and analysis. The Commission approved this program recognizing the challenges low-to-moderate income (LMI) households face in accessing clean energy from renewable resources. Typically, community solar efforts in the state seek voluntary participants and require the customer to make a substantial up-front payment, or to pay ongoing fees through the course of the useful life of the panels. This premium to participate is a barrier to entry for LMI households. Commission staff, in collaboration with the Division of Energy Housing and Community Resources (DEHCR) at the Department of Administration (DOA), applied for, and was awarded technical support from the National Association of State Energy Officials (NASEO), the National Energy Assistance Directors Association (NEADA), and the New York State Energy Research and Development Authority (NYSERDA). This assistance helps WISCO project partners in navigating the complexities of designing a community solar program which will consistently and significantly relieve the energy burden for LMI Wisconsin households.

Currently, two electric cooperatives have proposed to implement a rate structure to sign on customers to community solar gardens and, with the aid of two community action agencies, propose to sign up customers in the coming months. Throughout PY22, staff will monitor the

benefits provided to program participants and determine if a replicable model could be scaled to include more Wisconsin residents or deployed by additional cooperatives or public utilities in the future to achieve similar benefits.

II. Data Collection, Analysis, and Modernization

Wisconsin Energy Statistics - \$60,000

This is an ongoing project that was approved in the PY21 Annual Plan and utilizes additional funds for the next steps in the project. As part of the core duties of the OEI, Commission staff collects a comprehensive set of data on energy consumption, generation, prices, expenditures, and renewable energy development in Wisconsin. Routine data collection and maintenance work also includes some utility reporting along with ongoing pricing reports across Wisconsin's energy industry.

This project continues an effort to modernize and optimize these data collection processes and increase access to and use of the data. Currently, the data is reviewed by a technical advisory council comprised of Commission staff and key stakeholders and has historically been published annually in The Wisconsin Energy Statistics Book. In the past, the statistics have been requested by state elected officials, local decision-makers, educators, and innovators across the state.

In PY21, OEI staff launched the effort providing oversight for the project with support from a limited-term contractor dedicated to the effort. Since its launch, the project has entailed analysis of all existing energy statistics datasets and documentation of their source and metadata. There are over 100 sources of data spanning multiple state and federal agency sources including for example the Commission's Strategic Energy Assessment. An analysis of the data collection,

storage and management process has been performed and early development to automate the data collection process has begun. As part of that work, data visualization software has been implemented and early testing is underway. Initial data analysis results and a new web presence are expected to be made publicly available by the end of PY21.

Additional resources supports the next steps, which include technical documentation that protects the long-term integrity and maintenance of the system. This estimated budgeted amount of \$60,000 covers information technology costs including design, development, and software costs for the next program year.

Organic Waste and Biogas Tools – Staff Time

The recent projects related to the biogas industry, such as the Organic Waste and Biogas Feedstock Survey approved in PY20, and the biogas case study project supplementing the survey planned to be completed in PY21, are key examples of how the OEI leverages data collection and analysis by focusing on critical Wisconsin industries and combining stakeholder engagement, education, and outreach to further Wisconsin's energy goals.

The case study project currently being completed with the University of Wisconsin-Stevens Point will create detailed fact sheets summarizing key survey findings and case studies highlighting anaerobic digester facilities. Results may also lead to improved maintenance, operation, and best practices for farmers, municipalities, and private companies across the state. Furthermore, decision-makers may rely on survey results as they continue efforts to invigorate the agricultural and rural business community.

Staff will work with the appropriate Commission staff in the Division of Energy Regulation and Analysis (DERA) and biogas stakeholder groups, using information gathered by the survey, to create tools addressing opportunities and challenges facing Wisconsin's biogas

industry. Such tools may include interactive maps, for example, a renewable natural gas injection potential locations map and a feedstock-to-digester-to-end use map.

Energy Use in State Facilities - \$50,000

In line with its duty of providing data collection and analysis for state agency energy planning, the OEI has historically produced an Energy Use in State Facilities Report⁴ by contracting with an engineering firm to collect and analyze the data and funding the contract through the SEP. As this is a continuing project approved in previous Annual Plans, the budgeted amount is based on the historical costs provided by successful bidders in the procurement process.

This project continues the tracking of energy use in a growing list of state facilities, covering more than 75 million gross square feet of space. Consistent with PY21, the report will include a greenhouse gas emissions (GHG) appendix. Commission staff notes that the rate of annual energy use in state facilities has been reduced 36.64 percent since 1973. In concert with the greater Wisconsin Energy Statistics modernization effort, these data will also be part of potential online portal creation considerations. More frequent delivery of more recent data has been a perennial request from facility managers of the major agencies tracked within the report.

⁴ <https://psc.wi.gov/Pages/Programs/OEI/WisconsinEnergyStatistics.aspx>

State Heating Oil and Propane Pricing Survey - Staff Time

The State Heating Oil and Propane Pricing Survey (SHOPP) is an ongoing effort conducted jointly with the U.S. Energy Information Administration (EIA)⁵. The project requires Commission staff time, but no additional resources. Commission staff will continue to monitor local pricing for winter fuels, including heating oil and liquefied petroleum gas (propane), by conducting a weekly pricing survey of retailers from October through March and monthly from April to September.

Commission staff notes that conducting this pricing survey provides the sole source of Wisconsin-specific data which contributes to the continuity and accuracy of the data aggregates produced by EIA. This information is critical to the tracking of unregulated fuels and for responding to potential shortages or other energy assurance concerns. This data is also provided to DECHR as a key component of the Wisconsin Home Energy Assistance Program (WHEAP) benefit formula.

III. Energy Assurance

Energy Security Plan – Staff Time

Commission staff is responsible for updates to the state's energy assurance plan (EAP), recently renamed the energy security plan (ESP), the petroleum shortage contingency plan, and the Emergency Support Function-12 (ESF-12), which is an annex to the Wisconsin Emergency Response Plan (WERP) maintained by Department of Military Affairs – Wisconsin Emergency Management (WEM). The OEI works collaboratively and regularly with the private sector,

⁵ <https://www.eia.gov/petroleum/heatingoilpropane/#itn-tabs-1>

other state agencies, and local and regional governments to exercise and improve these plans.

Midwest Regional Coordination Exercise and Next Steps- Staff Time

In PY21, the Commission approves funding for a regional workshop and tabletop exercise of a long-term power outage scenario. In coordination with the NASEO as well as the U.S. DOE Office of Cybersecurity, Energy Security, and Emergency Response (CESER), Commission staff will host a regional exercise during the final quarter of PY21 to examine state and federal government roles and responsibilities during energy emergencies and encourage increased coordination between states and industry when responding to events. Further, going into PY22, OEI staff will continue to provide insights and prepare Wisconsin specific materials for use with new employees and for cross-training purposes. Confidential appendices with contact information and maps will continue to be reviewed and updated annually.

Microgrid and Community Resilience Centers Pilot Grant Analysis and Next Steps - Staff Time

This is an ongoing project that was approved in the PY20 Annual Plan and further refined by the Commission order establishing the program scope in June of 2021. ([PSC REF#: 392202](#), [PSC REF#: 413223](#).) The pilot grant program is underway with projects focusing on innovative pre-disaster mitigation, through critical infrastructure microgrids and other resilient building strategies, to demonstrate feasibility, implementation, and best practices in Wisconsin. ([PSC REF#: 423066](#).)

The project is the result of coordination of energy assurance planning and exercise activities with other key agencies (such as WEM, Wisconsin National Guard, Department of Transportation, Department of Agriculture, Trade, and Consumer Protection, as well as Tribal and county emergency managers) and identification of need for proactive resilience efforts.

Recent energy assurance programming, such as petroleum shortage contingency planning and Generator Readiness grants, has contributed additional context to the challenges presented by dependence of critical infrastructure on energy supplies (particularly diesel back up generation).

The current staff time includes analysis of the results of the feasibility studies and investigating opportunities for implementation.

Wisconsin Refueling Readiness: Prescriptive Incentives Program- \$100,000

This is an ongoing project that will be modified from its approved scope in PY21 and continued in PY22. ([PSC REF#: 413323](#) at 12.) The Wisconsin Refueling Readiness Prescriptive Incentives Program (WRR) will build upon the results and lessons learned from three previous program iterations, which offered competitive grants between 2015 and 2021. ([PSC REF#: 427684](#).) To streamline administration, the program will provide a prescriptive incentive based on eligible activity to eligible and voluntary participants on a first-come first-serve basis. This streamlined model is expected to remove barriers to participation and increase uptake. One of the overarching program goals has been to identify at least one private business and one municipal fleet fueling facility in each county (as appropriate) willing to wire their facilities so that a generator could be brought to the facility to restore power to the convenience store or county fleet fueling area as quickly as possible.

WEM and the OEI collaborate on maintaining, exercising, and improving the state's energy emergency plans⁶. The petroleum shortage contingency planning process, which included private companies, state and federal agencies, and NASEO determined that the state should put into place reliable fueling stations where emergency vehicles can obtain diesel fuel or

⁶ <https://psc.wi.gov/Pages/Programs/OEI/Energy-Security.aspx>

gasoline, known as fueling points of distribution (F-PODs). The Wisconsin Refueling Readiness series of grant programs were designed to address this particular concern, and to evolve in scale and scope to address other emergent issues.

Incentives continue to be strategically focused in certain counties and tribal lands without existing generator capability, on fueling locations, and also on bulk storage facilities prioritizing regions of the state to complement previous investments and expand coverage geographically. Through experience gained in operating this program, the Commission has identified that applications for these projects tend to arise in geographic cluster areas around centers of population or other centers, and that connecting these areas may be a strategic way for this smaller program to maximize its impact. Often, these groupings of applications are the result of sustained planning efforts in a region of the state that have yielded results. The Commission finds the overarching goal is to have an impact in each county, but that in terms of strategy, focusing on projects that are ready and that strengthen an area is an efficient approach that will get the most impact for the dollars available. The applications will be processed in the order received, potentially individually or in small batches at an appropriate interval, either based on volume of applications received, or a set frequency such as monthly or quarterly, then evaluated for eligibility and ability to further the program goals. Payments will be issued on a reimbursement basis with proper documentation. Program participation rates and results will be reported to the Commission consistent with the delegation.

WRR Program Design Elements

Proposed Definitions

- *Emergency vehicles:* includes, but are not limited to, ambulances or first responders; highway maintenance vehicles; police, fire, and sheriff's department vehicles; emergency government and utility vehicles; National Guard and federal emergency vehicles; State Patrol and state emergency vehicles.
- *F-POD or Designated Disaster Fueling Facility:* A privately or municipally owned fueling facility capable of dispensing diesel fuel or gasoline 24 hours per day, 7 days per week and designated by agreement to remain open during declared emergencies.
- *Bulk Petroleum Storage Facility (Bulk Tank or station):* A privately owned facility used in the storage or marketing of petroleum products (including propane), which has a total bulk storage capacity of less than 50,000 barrels and receives product by rail, barge, or truck.

Eligible Applicants: Privately owned bulk storage facilities (which may be strategically chosen based on geographic region and/or previous rounds of grants); municipally and tribally owned highway shops and convenience stores with both unleaded and diesel fuel availability.

Eligible Activities:

- *Activity 1: Tap Switch Installation Grants Up to \$5,000* per tap switch for a typical highway shop and convenience store.

- *Activity 2: Tap Switch Installation Grants Up to \$25,000 for Bulk Storage Facilities* per switch gear (larger scale, requiring engineering planning) so that bulk facilities can purchase or rent a generator to provide back-up power to the facility.

These activities are consistent with the existing scope of the refueling readiness grants series, with a continuation of the suggested grant award amounts based on lessons learned and available funds. Eligible facilities will agree to install transfer switch, tap box, wiring and any associated appurtenances necessary to operate an electrical generator to furnish emergency power to the facility so it can remain open and sell diesel fuel and gasoline during a gubernatorial-declared disaster or emergency, and be designated as a F-POD within the county or tribal nation's energy emergency plan or fuel annex for the duration of the emergency. Energy assurance planning has demonstrated that a diverse approach to back-up power is the most resilient. Recipients must agree to provide facility address and contact information which will be shared with WEM, OEI, and the National Guard, Army Corps of Engineers, Federal Emergency Management Agency (FEMA), and emergency vehicles as necessary during an emergency situation.

Evaluation Criteria, including but not limited to:

1. The facility is open or accessible 24 hours per day, 7 days per week, or would have the ability to remain open in the event of an emergency.
2. The facility has ample storage for diesel fuel and gasoline, including a set of pumps that could be dedicated to emergency vehicles in the event of an emergency.
3. The facility has no outstanding state tax warrants or tax delinquencies.
4. The facility is located in an area of the state without resilient fueling infrastructure.

5. The facility's general location (proximity to population centers) and ease of accessibility for emergency vehicles.
6. The facility's total project costs and leverage offered (although match is not required).
7. The relationship of facility management with local/county/tribal/state emergency management and/or first responders. The facility's inclusion in any county/tribal/local emergency plans, if applicable.

Program Administration: To facilitate implementation of the program, Commission staff will work with the delegated Commissioner to develop and issue the open request for proposal (RFP), application process, and evaluation criteria consistent with the above and the Commission's discussion of this program.

IV. Sector Support and Stakeholder Engagement

This portion of the Annual Plan requires staff time to support targeted stakeholder activities that are additive to the OEI's mission, to assist OEI in delivering its core duties and achieving its goals and leverage the capacity of partner organizations and industry groups. These projects are performed in close consultation with partners and exceed the level of other stakeholder engagement efforts, such as sponsorships, in scale and scope. Any costs specifically related to travel and outreach opportunities as part of these efforts is already included as a projected expenditure (operations expense).

Wisconsin Energy Burden Action Study - \$50,000

This project will build upon an existing technical assistance project, "Wisconsin Energy Burden Metrics", currently being performed by U.S. DOE and Pacific Northwest National Laboratory in support of and consultation with Commission staff from OEI, Bureau of Consumer

Affairs, and DERA. It includes a literature review, data source analysis, metric analysis, and the development of the practical utilization of energy burden data and outreach and socialization. The project will conclude and is expected to produce Wisconsin-specific analysis or findings in late 2022. To build upon the technical assistance U.S. DOE is providing, this item initiates a planning study to be performed by industry experts with oversight from OEI.

This Energy Burden Action Study will develop an actionable plan for short and long-term deployment of energy burden metrics for consideration in Commission programs and processes. The summary of findings and newly developed resources will assist in providing the Commission with actionable options and feasible, targeted strategies and goals to reduce energy burden and contribute to an affordable energy transition in Wisconsin.

Relevant work from OEI including the Focus Affordable Housing Solar Incentive Pilot⁷ and findings related to WISCO will be explored as strategies in this project. Similarly, stakeholders from DOA and other state agencies will be asked to collaborate on the project. Commission staff will develop an RFP in consultation with leadership, consistent with the delegation.

Municipal Energy Efficiency and Technical Assistance Program (MEETAP) – Staff Time

MEETAP, an ongoing technical assistance program, provides technical expertise, on both the administrative and engineering aspects of projects, to municipalities, tribal nations, cities, towns, counties, and K-12 school districts interested in implementing energy efficiency projects. The program's most frequently requested services include assistance with accessing funding and financing opportunities and the creation of baselines of energy use and greenhouse gas emissions

⁷ <https://focusonenergy.com/residential#program-renewable-energy>

in community operations and the community at large. Historically, MEETAP assistance has been delivered through a combination of staff time and OEI resources, and strategic partnerships.

Other Programs

The following programs include contractual costs that were previously, or are currently, funded independently of the SEP formula grant and are therefore not included in the Annual Plan proposed budget for contracts. However, these programs are significant portions of Commission staff time and factor into SEP operations costs in meeting the core duties of the OEI and are therefore included for context.

Energy Innovation Grant Program – Staff Time

The Energy Innovation Grant Program (EIGP) is the largest grant program delivered by the OEI. EIGP supports a wide variety of energy projects related to energy efficiency, renewable energy, energy storage, energy planning, and more for a variety of public and private entities. The funding for this program came from the 2009 ARRA, delivered to the OEI in a stimulus grant through the SEP program. As such, the federal character of the funds (NEPA, Buy American, Davis-Bacon, and State Historic Preservation provisions) apply in perpetuity and require significant Commission staff time to administer and ensure compliance.

Statewide Assistance for Energy Resiliency and Reliability – Staff Time

The SAFER2 program improves upon the efficacy of the State's Energy Assurance Plan via collaboration with local governments to foster improvements in energy emergency resiliency, mitigation, and response. The SAFER2 program was originally funded by a 2017 SEP Competitive grant, which was accepted in 2019 and extends through January 2023. Over the remaining year of the project, OEI staff will continue to deliver technical assistance to up to 10

communities, as well as conduct follow up analysis and share lessons learned as part of next steps to the executive level tabletop exercise held in PY21.

These 10 communities across the state will receive a deep-dive analysis to identify their preparedness, strengths, and weaknesses. The SAFER2 team has determined the current state of local energy assurance planning (through a survey of all County and Tribal Emergency Directors), using this baseline, gaps were addressed through educational workshops in the fall of 2020. Discussions regarding strengthening and increasing the coordination for energy outage response plans for state, local, and tribal governments are ongoing.

Annual Plan Summary

Table 1. Summary of Proposed PY22 Funds for Contracts

Rural and Agricultural Incentives Program	\$150,000
Wisconsin Energy Statistics	\$60,000
Energy Use in State Facilities	\$50,000
Wisconsin Refueling Readiness Incentives	\$100,000
Energy Burden Action Study	\$50,000
Total Contractual Funds	\$410,000

Order

1. The Annual Plan activities listed in Table 1 above are approved at the amounts stated therein.
2. Consistent with the U.S. DOE SEP Award Agreement Special Terms and Conditions, the Commission may adjust the amounts of the original budget categories, which cover operations costs and contractual activities discussed herein, as submitted in the U.S. DOE filings. Staff make necessary budget changes consistent with the Commission-approved Annual plan and in consultation with division leadership, fiscal staff, and the delegated Commissioner as part of the day-to-day administration of the grant.

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3. The Annual Plan will be completed during the performance period of July 1, 2022 – June 30, 2023

Dated at Madison, Wisconsin, the 26th day of May, 2022.

By the Commission:

A handwritten signature in black ink, appearing to read 'Cru Stubley', written over a faint, circular embossed seal.

Cru Stubley
Secretary to the Commission

CS:KN:TK:JP:OS:kle DL: 01866780

PUBLIC SERVICE COMMISSION OF WISCONSIN
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**NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE
TIMES ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE
PARTY TO BE NAMED AS RESPONDENT**

The following notice is served on you as part of the Commission's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

PETITION FOR REHEARING

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Commission for rehearing within 20 days of the date of service of this decision, as provided in Wis. Stat. § 227.49. The date of service is shown on the first page. If there is no date on the first page, the date of service is shown immediately above the signature line. The petition for rehearing must be filed with the Public Service Commission of Wisconsin and served on the parties. An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

PETITION FOR JUDICIAL REVIEW

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. In a contested case, the petition must be filed in circuit court and served upon the Public Service Commission of Wisconsin within 30 days of the date of service of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of the date of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Commission serves its original decision.⁸ The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: March 27, 2013

⁸ See *Currier v. Wisconsin Dep't of Revenue*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.